

TITLE 17

SUBDIVISIONS AND PLATS

CHAPTER 17.04

GENERAL PROVISIONS

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17.04.010 Title

This code shall be known as the "City of Tukwila Subdivision Code."

(Ord. 1833 §1(part), 1998)

17.04.020 Purpose

The purpose of this code is to provide rules, regulations, requirements, and standards for subdividing land in the City, insuring that the public health, safety, general welfare, and aesthetics of the City shall be promoted and protected; that orderly growth, development, and the conservation, protection and proper use of land shall be insured; that the character of the developing area is safeguarded and promoted; that proper provisions for all public facilities including circulation, utilities, open space, and services shall be made; and that the goals and policies of the Tukwila Comprehensive Plan are furthered through the subdivision of land.

(Ord. 1833 §1(part), 1998)

17.04.030 Scope, exceptions

A. SCOPE:

1. The subdivision of land within the City of Tukwila shall comply with Chapter 58.17 RCW.

2. Where this code imposes greater restrictions or higher standards upon the development of land than other laws, ordinances or restrictive covenants, the provisions of this code shall prevail.

B. *EXCEPTIONS:* This ordinance shall not apply to divisions and activities described as inapplicable in RCW 58.17.040; provided that boundary line adjustments and lot consolidations are subject to the provisions contained in TMC Chapter 17.08; provided further that binding site improvement plans are subject to the provisions contained in TMC Chapter 17.16.

(Ord. 1833 §1(part), 1998)

17.04.040 Definitions

The definitions of the Zoning Code, TMC Chapter 18.06, are hereby adopted by reference.

(Ord. 1833 §1(part), 1998)

17.04.050 Dedications

A. *ACT OF DEDICATION*: The intention to dedicate real property to the public shall be evidenced by showing the dedication on the plat prepared for approval. All dedications, including easements, rights-of-way and real property shall be clearly and precisely indicated on the face of the plat. Unless specifically noted otherwise on the plat, approval of the plat for recording shall constitute acceptance of the dedications.

B. *PUBLIC STREETS*: All streets and parcels of land shown on the final plat and intended for public use shall be offered for dedication for public use, except the approving entity may allow the conveyance of certain public improvements to be conveyed to a homeowner's association or similar non-profit corporation.

C. *CERTIFICATE*: If the subdivision includes a dedication, the final plat shall include a certificate of dedication or reference to a separate written instrument which dedicates all required streets and other areas to the public. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by every person having any ownership interest in the lands divided and recorded as part of the final plat.

D. *TITLE REPORT*: Every proposed final plat containing a dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the certificate of dedication.

(Ord. 1833 §1(part), 1998)

17.04.060 Survey content

A. *INFORMATION* - Whenever a survey is submitted for a short plat or subdivision, the following information shall be included:

1. The name of the plat, City of Tukwila file number, graphic scale and north arrow. The survey shall be done to a scale of one inch equals 100 feet unless otherwise approved by DCD, and shall be drawn with black drawing ink in record of survey format.

2. Existing features such as rivers, streets, railroads and structures.

3. The lines and names of all existing or platted streets or other public ways, parks, playgrounds, and easements adjacent to the final plat, subdivision or dedication, including municipal boundaries, township lines, and section lines.

4. In the event the plat constitutes a replat, the lots, blocks, streets, etc., of the previous plat shall be shown by dotted lines in their proper positions in relation to the new arrangement of the plat, the new plat being shown in solid lines so as to avoid ambiguity.

5. Legal description of the subdivision boundaries.

6. A complete survey of the section or sections in which the plat or replat is located, if necessary, including:

a. All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision. Location and monuments found or reset with respect to any established centerline of streets adjacent to or within the proposed subdivision. All other monuments found or established in making the survey of this subdivision or required to be installed by provisions of this title.

b. City or County boundary lines when crossing or adjacent to the subdivision.

c. The location and width of streets and easements intersecting the boundary of the tract.

d. Tract, block and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings, radii, arcs and central angles, points of curvature and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest one-hundredth foot.

e. The width and location of existing and proposed easements and rights-of-way.

7. Lot and block numbers beginning with the number one (1) and numbered consecutively without omission or duplication.

8. Tracts to be dedicated to any public or private purpose shall be distinguished from lots intended for general development with notes stating their purpose and any limitations.

B. *STATEMENTS* - The plat shall include the following statements:

1. A statement to be signed by the Public Works Director approving the survey data, the layout of the streets, alleys and other rights-of-way, design of bridges, sewage and water systems, drainage systems and other structures.

2. A certificate bearing the printed names of all persons having an interest in the subdivided land, signed by the persons and acknowledged by them before a notary public, consenting to the subdivision of the land and reciting a dedication by them of all land shown on the plat to be dedicated for public uses, and a waiver by them and their successors of all claims for damages against any governmental authority arising from the construction and maintenance of public facilities and public property within the subdivision.

3. A certificate with the seal of and signature of the surveyor responsible for the survey and final plat with the following statement:

"I, _____, registered as a land surveyor by the State of Washington, certify that this plat is based on an actual survey of the land described herein, conducted by me or under my supervision; that the distances, courses and angles are shown thereon correctly; and that monuments other than those monuments approved for setting at a later date, have been set and lot corners staked on the ground as depicted on the plat."

4. Certification from the King County Treasurer that all taxes and assessments for which the property may be liable have been duly paid, satisfied or discharged as of the date of certification.

5. Certification of examination and approval by the County Assessor.

6. Recording Certificate for completion by the King County Department of Records and Elections.

7. Certification of Examination and Approval by the Seattle-King County Health Department when the lot(s) are served by septic system(s).

8. City of Tukwila Finance Director Certificate that states there are no delinquent special assessments, and that all special assessments on any of the property that is dedicated as streets, alleys or for other public use are paid in full at the date of certification.

9. Certification by the Public Works Director that the subdivider has complied with one of the following:

a. All improvements have been installed in accordance with the requirements of this title and with the preliminary plat approval, and that original and reproducible mylar or electronic records in a format approved by Public Works and meeting current Public Works drawing standards for road, utility and drainage construction plans certified by the designing engineer as being "as constructed" have been submitted for city records.

b. An agreement and bond or other financial security have been executed in accordance with TMC 17.24.030 sufficient to assure completion of required improvements and construction plans.

10. Certificate of dedication pursuant to TMC 17.04.050C.

11. For short plats, binding site improvement plans and boundary line adjustments, a certificate of approval to be signed by the DCD Director, Public Works Director and Fire Chief.

12. For subdivisions, a certificate of approval to be signed by the Mayor and City Clerk.

(Ord. 1833 §1(part), 1998)

17.04.070 Notification of other agencies

Notice of the filing of a preliminary plat within 1,000 feet of the municipal boundaries, or which contemplates the use of special use districts or other city's or town's utilities, shall be given to the appropriate special districts, county, city or town authorities. Notice of the filing of a preliminary plat located adjacent to the right-of-way of a State highway shall be given to the State Department of Highways. In addition, notice of all preliminary plats shall be submitted to the appropriate school district. All such notices shall include the hour, location, and purpose of the hearing and a description of the property to be platted.

(Ord. 1833 §1(part), 1998)

CHAPTER 17.08

BOUNDARY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS

Sections:

- 17.08.010 Purpose
- 17.08.020 Scope
- 17.08.030 Preliminary approval
- 17.08.040 Recording
- 17.08.050 Expiration

17.08.010 Purpose

It is the intent to provide an efficient and timely process that allows consistent review; to ensure such actions do not create non-conformities with zoning and other city regulations; to provide a permanent record of boundary line adjustments and lot consolidations; and to ensure appropriate provisions are made for access and utility easements; in a manner consistent with RCW 58.17.040(6).

(Ord. 1833 §1(part), 1998)

17.08.020 Scope

This chapter applies to all boundary line adjustments and lot consolidations which are otherwise exempt from RCW 58.17.040(6), Subdivision Regulations.

(Ord. 1833 §1(part), 1998)

17.08.030 Preliminary approval

A. In order to receive preliminary approval, the applicant must submit to DCD a complete application, in quantities specified by DCD, and meet the criteria for approval.

B. A complete application consists of the following:

1. A completed application on a form provided by the Department of Community Development and fee as identified in TMC Chapter 18.88.

2. A neat and readable plan drawn to a standard decimal (engineer) scale. A survey may be required if it is determined that level of information is needed to ensure the adjustment meets the approval criteria. The plan shall show the following information:

a. Property lines, with those that remain in their existing location shown as a solid line, those that are being moved or removed shown as a dashed line, and those that have been relocated shown as a solid line and clearly identified as a relocated line.

b. Dimensions of all property lines and area of the lots, before and after the adjustment.

c. Location and floor area of all structures on the site, and their setbacks from existing and new property lines.

d. Location and purpose of all easements on the site.

e. Location, purpose and legal description of any new or extended easements proposed.

f. Location of adjacent public roads and points of access from the public road(s) if a lot does not front on a public road, show how and where access is provided.

g. Location of existing utilities and utility easements.

h. Calculations which demonstrate that required yards of the Uniform Building Code are met.

3. Before and after legal description of the affected lots.

C. In order to approve a boundary line adjustment or lot consolidation, the Short Subdivision Committee shall determine the project complies with the following criteria:

1. No additional lots, sites, parcels, tracts or divisions are created.

2. The adjustment will not create non-conforming lots with respect to zoning dimension and area standards, zoning setbacks and lot area coverage standards.

3. The degree of non-conformance on existing non-conforming lots with respect to zoning dimension and area standards, zoning setbacks and floor area ratio are not increased.

4. All lots have legal access to a public road. Existing required private access road improvements and easements are not diminished below subdivision ordinance standards for lots that are served by a private access road.

5. Existing easements for utilities are appropriate for their intended function, or they are extended, moved or otherwise altered to an appropriate location.

6. The adjustment does not create any non-conformities with respect to the Uniform Building Code or any other locally administered regulation.

(Ord. 1833 §1(part), 1998)

17.08.040 Recording

A. After preliminary approval has been granted, an application for final approval shall be submitted to DCD for final review.

B. A complete final application shall consist of the documents required for recording including:

1. Drawing or survey of the boundary line adjustment.

2. Before and after legal descriptions of the affected lots.

3. Affidavit of ownership.

4. Application on a form provided by the Department of Community Development.

5. Other documentation necessary to demonstrate the conditions of the approval have been met.

C. Upon receiving approval from the City, the applicant will be responsible for picking up the documents from DCD and recording them with King County Office of Records. A copy of the recorded documents must be returned to DCD to finalize the approval process. The adjustment shall not be deemed complete until the City receives these documents.

(Ord. 1833 §1(part), 1998)

17.08.050 Expiration

The boundary line adjustment application shall expire if it has not been recorded within one year from the date of approval. Upon written request from the applicant prior to the expiration date, the Short Subdivision Committee is authorized to grant one extension, not to exceed six months.

(Ord. 1833 §1(part), 1998)

CHAPTER 17.12

DETAILED PROCEDURES FOR SHORT SUBDIVISIONS

Sections:

- 17.12.010 Scope
- 17.12.015 Decision process
- 17.12.020 Preliminary short plat approval
- 17.12.030 Final short plat approval
- 17.12.040 Expiration
- 17.12.050 Limitations on further subdivision
- 17.12.060 Contiguous short plats
- 17.12.070 Unit lot short plats

17.12.010 Scope

Any land being divided into nine or fewer parcels, lots, unit lots, tracts or sites for the purpose of sale, lease, or gift, any one of which is less than 20 acres in size, shall meet the requirements of this chapter.

(Ord. 2199 §1, 2008; Ord. 1833 §1(part), 1998)

17.12.015 Decision process

Applications for short plat approval shall be processed as a Type 2 decision, subject to the provisions of TMC 18.108.020.

(Ord. 1833 §1(part), 1998)

17.12.020 Preliminary short plat approval

A. *APPLICATION/FEEES*: The following items are required, in quantities specified by DCD, for a complete Short Plat application for preliminary approval. Items may be waived if, in the judgment of the Short Subdivision Committee, they are not applicable to the proposal:

1. Items contained in TMC 18.104.060.
2. Completed Preliminary Short Plat Application Form as prescribed by the DCD Director with fee as identified in TMC Chapter 18.88.
3. Completed Application Checklist.
4. A complete SEPA Checklist application if project is not exempt from SEPA.
5. Complete applications for other required land use approvals.
6. A vicinity map showing location of the site.
7. A survey prepared to the standards identified in TMC 17.04.060.
8. Site and development plans which provide the following information:
 - a. The owners of adjacent land and the names of any adjacent subdivisions.
 - b. Lines marking the boundaries of the existing lot(s) (any existing lot to be eliminated should be a dashed line and so noted).

c. Locations of existing and proposed public street rights-of-way and easements and private access easements.

d. Location, floor area and setbacks of all existing structures on the site.

e. Lot area, lot line dimensions and average widths for each lot.

f. Location of proposed new property lines and numbering of each lot.

g. Location, dimension and purpose of existing and proposed easements. Provide recorded documents which identify the nature and extent of existing easements.

h. Location of any proposed dedications.

i. Existing and proposed topography at two-foot contour intervals, extending to five feet beyond the project boundaries.

j. Location of any sensitive areas and sensitive area buffers (slopes 15% or greater, wetlands or water-courses) on the site.

k. Location, size and species of any trees located within a sensitive area or its buffer or the shoreline zone unless none of these trees are to be removed and their location is not likely to create undue hardship on individual lots with respect to TMC Chapter 18.54, Tree Regulations.

l. Location of existing and/or proposed fire hydrants to serve the project.

m. Description, location and size of existing and proposed utilities, storm drainage facilities and roads to serve the lots.

n. Expected location of new buildings and driveways, including finished floor elevations of the buildings.

9. Letter of water and sewer availability if the provider is other than the City of Tukwila.

B. *REVIEW PROCEDURES*:

1. Referral to Other Departments - Upon receipt of an application for a short subdivision, the Department of Community Development shall transmit one copy of the application to each member of the Short Subdivision Committee, and one copy to any department or agency deemed necessary.

2. Short Subdivision Committee Decision - The Short Subdivision Committee may approve, approve with modifications, or deny the application for a short subdivision pursuant to Type 2 permit procedures. No formal meeting of the Committee is required so long as the Chair obtains the recommendations and consent of the other members of the Committee before issuing a decision.

C. *CRITERIA FOR PRELIMINARY SHORT PLAT APPROVAL*: The Short Subdivision Committee shall base its decision on an application on the following criteria:

1. The proposed Short Plat is in conformance with the Tukwila Comprehensive Plan, and any other such adopted plans.

2. Appropriate provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the short plat which are consistent with current standards and plans.

3. Appropriate provisions have been made for road, utilities and other improvements which are consistent with current standards and plans.

4. Appropriate provisions have been made for dedications, easements and reservations.

5. The design, shape and orientation of the proposed lots are appropriate to the proposed use for which the lots are intended and are compatible with the area in which they are located.

6. Appropriate provisions for the maintenance of commonly owned private facilities have been made.

7. The short plat complies with the relevant requirements of the Tukwila Subdivision Ordinance.

8. The short plat complies with the requirements of the Tukwila Zoning Ordinance and other relevant local regulations.

(Ord. 1833 §1(part), 1998)

17.12.030 Final short plat approval

A. *APPLICATION:* The following items are required, in quantities specified by DCD, for a complete application for final short plat approval. Items may be waived if in the judgment of the Short Subdivision Committee said items are not applicable to the particular proposal:

1. Completed Short Plat Final Approval Form.
2. Completed Application Checklist.
3. Documentation of the square footage of each lot and mathematical boundary closure of the subdivision, of each lot and block, of street centerlines, showing the error of closure, if any.

4. A final survey which complies with the standards set forth in TMC 17.04.060 and with all certificates signed except for those to be signed by the City and those to be signed at recording.

5. A title insurance report confirming that the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the plat's certificate.

6. A bond in a form acceptable to the City Attorney pursuant to TMC 17.24.030 if improvements are to be deferred.

7. Legal descriptions of all the tracts located within the boundaries of the short plat.

8. As-built plans for all new roads and utilities.

9. Binding maintenance agreements to provide for the maintenance of commonly owned private facilities.

10. Signatures on the following certificates on the face of the plat (when appropriate) from the surveyor that prepared the plat, the King County Treasurer, Seattle-King County Health Department, City of Tukwila Finance Director, Owner's affidavit and certificate of dedication as identified in TMC 17.04.060.

B. FINAL APPROVAL REVIEW PROCEDURES:

1. The Short Subdivision Committee may grant final approval of the short subdivision when they find the criteria listed in TMC 17.12.030C have been met. No formal meeting of the Committee is required so long as the Chair obtains the recommendations and consent of the other members of the Committee before issuing a decision.

2. Upon final approval of the short plat, the applicant shall record the plat and all other relevant documents with the King County Department of Records and Elections. The subdivider is responsible for paying the recording fee(s). Upon completion of recording, the applicant shall provide DCD with a copy of the recorded documents. The short plat shall not be considered final until these documents have been provided to DCD.

C. *CRITERIA FOR APPROVAL:* To grant final approval of a short plat, the Short Subdivision Committee must determine that it meets the following decision criteria:

1. All requirements for short plats as set forth in the Subdivision Code are met.

2. All terms of the preliminary short plat approval have been met.

3. The requirements of Chapter 58.17 RCW, other applicable state laws, and any other applicable City ordinances have been met.

4. All required improvements have been installed in accordance with City standards or an improvement agreement with financial guarantee pursuant to TMC 17.24.030 has been entered into by the applicant and accepted by the City.

5. That the plat is technically correct and accurate as certified by the land surveyor responsible for the plat.

(Ord. 1833 §1(part), 1998)

17.12.040 Expiration

If the short plat is not recorded within one year of the date of preliminary short plat approval, the short plat shall become null and void. Upon written request by the subdivider prior to the expiration date, the Short Subdivision Committee may grant one extension of not more than one year.

(Ord. 1833 §1(part), 1998)

17.12.050 Limitations on further subdivision

Any land subdivided under the requirements of this chapter shall not be further divided for a period of five years without following the procedures for subdivision, except when the short plat contains fewer lots than allowed for a short plat, in which case an additional short plat may be approved if the total number of lots within the boundaries of the original short plat does not exceed nine.

(Ord. 1833 §1(part), 1998)

17.12.060 Contiguous short plats

No application for a short plat shall be approved if the land being divided is held in common ownership with a contiguous parcel which has been divided in a short plat within the preceding five years and the total number of lots created in both short plats would exceed nine. When the total number of lots exceeds four but is less than ten, the paving, curb, gutter and sidewalk shall be provided per TMC 17.20.030C.6.c(1).

(Ord. 1833 §1(part), 1998)

17.12.070 Unit lot short plats

A. Sites developed or proposed to be developed with townhouses, cottage housing, compact single-family, or zero-lot-line units may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. Any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit that it serves.

B. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any non-conformity of the parent lot.

C. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common play areas), and other similar features, as recorded with the King County Department of Records and Elections.

D. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the King County Department of Records and Elections.

E. The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot, shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

F. Construction of townhouse dwelling foundations may commence prior to final short plat approval, provided:

1. The proposed short plat has received preliminary approval, and the necessary financial sureties have been filed to assure construction of required public improvements;

2. Partial or complete construction of structures shall not relieve the subdivider from, nor impair City enforcement of, conditions of subdivision approval;

3. Construction shall not proceed beyond foundations, and units shall not be rented or sold, nor occupancy permits issued, until final short plat approval is granted.

(Ord. 2199 §2, 2008)

CHAPTER 17.14**DETAILED PROCEDURES
FOR SUBDIVISIONS****Sections:**

- 17.14.010 Scope
- 17.14.020 Preliminary plat
- 17.14.030 Final plat
- 17.14.040 Phasing
- 17.14.050 Expiration
- 17.14.060 Unit lot subdivisions

17.14.010 Scope

Any land being divided into ten or more parcels, lots, unit lots, tracts or sites, for the purpose of sale or gift, any one of which is less than 20 acres in size, or any land which has been divided under the short subdivision procedures within five years and is not eligible for further short platting, pursuant to Section 17.12.010, shall conform to the procedures and requirements of this chapter.

(Ord. 2199 §3, 2008; Ord. 1833 §1(part), 1998)

17.14.020 Preliminary plat

A. **DECISION PROCESS:** Applications for preliminary plat approval shall be processed as a Type 4 decision subject to the provisions of TMC 18.108.050.

B. **APPLICATION:** The following items are required, in quantities specified by DCD, for a complete application for preliminary plat approval. Items may be waived if, in the judgment of the DCD Director, the items are not applicable to the particular proposal:

1. Completed Preliminary Plat Application Form and fee, as identified in TMC Chapter 18.88.
2. Completed Application Checklist.
3. A complete SEPA Checklist application if project is not exempt from SEPA.
4. Complete applications for other required land use approvals.
5. A vicinity map showing location of the site.
6. A survey prepared to the standards identified in TMC 17.04.060.
7. All existing conditions shall be delineated. Site and development plans shall provide the following information:
 - a. Owners of adjacent land and the names of any adjacent subdivisions.
 - b. Lines marking the boundaries of the existing lot(s). (Any existing lot to be eliminated should be a dashed line and so noted.)

c. Approximate names, locations, widths and dimensions of existing and proposed public street rights-of-way and easements and private access easements, parks and other open spaces, reservations, and utilities.

d. Location, floor area and setbacks of all existing structures on the site.

e. Lot area, dimensions and average widths for each lot.

f. Location of proposed new property lines and numbering of each lot.

g. Location, dimension and purpose of existing and proposed easements. Provide recorded documents that identify the nature and extent of existing easements.

h. Location of any proposed dedications.

i. Existing and proposed topography at two-foot contour intervals extending to five feet beyond project boundaries.

j. Location of any sensitive areas and sensitive area buffers (slopes 15% or greater, wetlands or watercourses) on the site.

k. Location, size and species of any trees located within a sensitive area or its buffer or the shoreline zone unless none of these trees are to be removed and their location is not likely to create undue hardship on individual lots with respect to TMC Chapter 18.54, "Tree Regulations."

l. Source of water supply, method of sewage disposal, and manner of surface runoff control.

m. Location of existing and proposed fire hydrants to serve the project.

n. Description, location and size of existing and proposed utilities, storm drainage facilities and roads to serve the lots.

o. A survey of existing trees and vegetation with a retention/removal plan for the preservation of significant trees and vegetation.

p. Expected location of new buildings, their driveways and finished floor elevations.

8. Letter of water and sewer availability if the provider is other than the City of Tukwila.

9. Two sets of mailing labels for all property owners and tenants (residents or businesses) within 500 feet of the subdivision.

10. Items required by TMC 18.104.060 not already listed above.

C. REVIEW PROCEDURES:

1. Referral to Other Offices: Upon receipt of a complete preliminary plat application, the Department of Community Development shall transmit a notice of application and one copy of the preliminary plat to each of the following offices, where appropriate: Public Works, Building Division, Fire Department, Police Department, King County Health Department, the appropriate school district, and each public utility agency serving the area in which the property proposed for subdivision is located.

2. Public Notice and Public Hearing: The process for public notice, hearings, decisions and appeals shall be as provided for Type 4 decisions as identified in TMC Title 18, Zoning Code.

D. *CRITERIA FOR PRELIMINARY PLAT APPROVAL:* The Planning Commission shall base its decision on an application for preliminary plat approval on the following criteria:

1. The proposed subdivision is in conformance with the Tukwila Comprehensive Plan and any other City adopted plans.

2. Appropriate provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the subdivision that are consistent with current standards and plans.

3. Appropriate provisions have been made for road, utilities and other improvements that are consistent with current standards and plans.

4. Appropriate provisions have been made for dedications, easements and reservations.

5. The design, shape and orientation of the proposed lots are appropriate to the proposed use for which the lots are intended and are compatible with the area in which they are located.

6. The subdivision complies with the relevant requirements of the Tukwila Subdivision and Zoning Ordinances, and all other relevant local regulations.

7. Appropriate provisions for maintenance of privately owned common facilities have been made.

8. The subdivision complies with RCW 58.17.110.

(Ord. 2124 §1, 2006; Ord. 1833 §1(part), 1998)

17.14.030 Final plat

A. *APPLICATION:* The following items are required, in quantities specified by DCD, for a complete application for final plat approval. Items may be waived if in the judgment of the DCD Director said items are not applicable to the particular proposal:

1. Completed Application Form and fee as identified in TMC Chapter 18.88.

2. Completed Application Checklist.

3. Copies and one original of the final plat survey in conformance with the standards set forth in TMC 17.04.060.

4. A plat certificate from a title insurance company documenting the ownership and title of all interested parties in the plat, subdivision or dedication, and listing all encumbrances. The certificate must be dated within 45 calendar days prior to the date of filing the application for final plat approval.

5. Private covenants intended to be recorded with the plat.

6. Any documentation necessary to demonstrate conditions of preliminary plat approval have been met.

7. King County Assessor's maps which shows the location of each property within 500 feet of the subdivision; two sets of mailing labels for all property owners and tenants (residents or businesses) within 500 feet of the subdivision.

8. Maintenance agreements, easements and other documents ready for recording.

9. Signatures on the following certificates on the face of the plat (when appropriate) from the surveyor that prepared the plat, the King County Treasurer, Seattle-King County Health Department, City of Tukwila Finance Director, Owner's affidavit and certificate of dedication as identified in TMC 17.04.060(I).

B. *FINAL PLAT REVIEW PROCEDURES:* Applications for final plat approval shall be processed as Type 5 decision subject to the provisions of TMC 18.108.050.

1. *Referral to Other Departments and Agencies* - The Department of Community Development shall distribute the final plat to all departments and agencies receiving the preliminary plat, and to any other departments, special purpose districts and other governmental agencies deemed necessary.

2. *Departmental Approval* - The Public Works Department and other interested departments and agencies shall review the final plat and submit to the Department of Community Development written comments with respect to the final plat decision criteria. If the final plat is in order, the Public Works Director shall sign the appropriate certificates on the mylar original.

3. *Filing Final Plat* -

a. Before the final plat is submitted to the City Council, it shall be signed by the City Treasurer (Finance Director), Director of Public Works, and the Director of the Department of Community Development. Upon approval by the City Council, it shall be signed by the Mayor and attested by the City Clerk.

b. The applicant shall file the final plat with the Department of Records and Elections. The plat will be considered complete when a copy of the recorded documents is returned to the Department of Community Development.

C. *CRITERIA FOR FINAL PLAT APPROVAL:* In approving the final plat, the City Council shall find:

1. That the proposed final plat bears the required certificates and statements of approval.

2. That a title insurance report furnished by the subdivider confirms the title of the land, and the proposed subdivision is vested in the name of the owner(s) whose signature(s) appears on the plat certificate.

3. That the facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider has submitted with the proposed final plat a performance bond or other security in conformance with TMC 17.24.030.

4. That the plat is certified as accurate by the land surveyor responsible for the plat.

5. That the plat is in conformance with the approved preliminary plat.

6. That the plat meets the requirements of Chapter 58.17 RCW and other applicable state and local laws which were in effect at the time of preliminary plat approval.

(Ord. 1833 §1(part), 1998)

17.14.040 Phasing

The subdivider may develop and record the subdivision in phases. Any phasing proposal shall be submitted for City Council review at the time at which a final plat for the first phase is submitted. Approval of the phasing plan shall be based upon making the following findings:

1. The phasing plan includes all land contained within the approved preliminary plat, including areas where off-site improvements are being made.

2. The sequence and timing of development is identified on a map.

3. Each phase shall consist of a contiguous group of lots that meets all pertinent development standards on its own. The phase cannot rely on future phases for meeting any City codes.

4. Each phase provides adequate circulation and utilities. Public Works has determined that all street and other public improvements, including but not limited to drainage and erosion control improvements, are assured. Deferment of improvements may be allowed pursuant to TMC Chapter 17.24.

5. All phases shall be recorded within the five-year life of the preliminary plat, unless an extension is granted.

(Ord. 1833 §1(part), 1998)

17.14.050 Expiration

The preliminary plat approval for subdivision shall expire unless a complete application for final plat approval is submitted within five years from the date of preliminary plat approval. The Planning Commission may approve one extension not to exceed one year.

(Ord. 2124 §2, 2006; Ord. 1833 §1(part), 1998)

17.14.060 Unit lot subdivisions

A. Sites developed or proposed to be developed with townhouses, cottage housing, compact single-family, or zero-lot-line units may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. Any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

B. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any non-conformity of the parent lot.

C. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common play areas), and other similar features, as recorded with the King County Department of Records and Elections.

D. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the King County Department of Records and Elections.

E. The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot, shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

F. Construction of townhouse dwelling foundations may commence prior to final plat approval, provided:

1. The proposed plat has received preliminary approval, and the necessary financial sureties have been filed to assure construction of required public improvements;

2. Partial or complete construction of structures shall not relieve the subdivider from, nor impair City enforcement of conditions of, subdivision approval;

3. Construction shall not proceed beyond foundations, and units shall not be rented or sold, nor occupancy permits issued, until final plat approval is granted.

(Ord. 2199 §4, 2008)

CHAPTER 17.16

DETAILED PROCEDURES FOR BINDING SITE IMPROVEMENT PLAN (BSIP)

Sections:

- 17.16.010 Purpose
- 17.16.020 Applicability
- 17.16.030 Preliminary Binding Site Improvement Plan (BSIP) Approval
- 17.16.040 Final Approval of Plan
- 17.16.050 Improvements
- 17.16.060 Revision of Plan
- 17.16.070 Expiration

17.16.010 Purpose

This chapter is established to:

1. Provide an optional process for land under single ownership to be divided for the purpose of sale or lease;

2. Accommodate the division of land for the purpose of sale or lease of property within an integrated commercial or industrial center, which allows certain zoning standards (minimum parking, setbacks, landscaping, lot area and lot dimension) on the individual lots to be modified provided the standards for the entire center are met;

3. Facilitate alternative ownership options by allowing Binding Site Improvement Plans in conjunction with a condominium process for residential, commercial, or industrial purposes (RCW 64.34);

4. Allow phased infrastructure improvements for large tracts of land.

(Ord. 2236 §1, 2009; Ord. 1833 §1(part), 1998)

17.16.020 Applicability

A. *ELIGIBILITY*: A Binding Site Improvement Plan application may be submitted for a project located on any land zoned multi-family, commercial or industrial consistent with the terms of this chapter.

B. *CONSTRUCTION AUTHORIZATION THROUGH OTHER PERMITS*: A Binding Site Improvement Plan creates or alters existing lot lines. A Binding Site Improvement Plan does not authorize construction. Construction is permitted upon approval of construction and building permits that implement the Binding Site Improvement Plan.

(Ord. 2236 §2, 2009; Ord. 1833 §1(part), 1998)

17.16.030 Preliminary Binding Site Improvement Plan (BSIP) approval

A. *APPLICATION/FEES*: The following items are required, in quantities specified by DCD, for a complete Binding Site Improvement Plan application. Items may be waived if, in the judgment of the Short Subdivision Committee, said items are not applicable to the particular proposal:

1. Completed Binding Site Improvement Plan Application Form as prescribed by the DCD Director with fee as identified in TMC Chapter 18.88.

2. Completed Application Checklist.
3. A complete SEPA Checklist application if project is not exempt from SEPA.
4. Complete applications for other required land use approvals.
5. A vicinity map showing location of the site.
6. A survey prepared to the standards specified in TMC 17.04.060.
7. Site and development plans which provide the following information. The plans shall be neat and accurate on a decimal scale sufficient in size and detail to demonstrate the Binding Site Improvement Plan meets the ordinance requirements, on sheets in record of survey format:
 - a. The owners of adjacent land and the names of any adjacent subdivisions.
 - b. Lines marking the boundaries of the existing lot(s) (any existing lot to be eliminated should be a dashed line and so noted).
 - c. Locations of existing and proposed public street rights-of-way and easements and private access easements.
 - d. Location, floor area and setbacks of all existing structures on the site.
 - e. Lot area, lot line dimensions and average widths for each lot.
 - f. Location of proposed new property lines and numbering of each lot.
 - g. Location, dimension and purpose of existing and proposed easements. Provide recorded documents that identify the nature and extent of existing easements.
 - h. Location of proposed dedications.
 - i. Existing and proposed topography at two-foot contour intervals extending to five feet beyond the project boundaries.
 - j. Location of sensitive areas and sensitive area buffers (slopes 20% or greater, wetlands or water-courses) on the site.
 - k. Location, size and species of any trees located within a sensitive area or its buffer or the shoreline zone unless none of these trees are to be removed and their location is not likely to create undue hardship on individual lots with respect to TMC Chapter 18.54.
 - l. Location of existing and/or proposed fire hydrants to serve the project.
 - m. Description, location and size of existing and proposed utilities, storm drainage facilities and roads to serve the lots.
 - n. Expected location of new buildings and drive-ways, including finished floor elevations of the buildings. This requirement may be waived by the Responsible Official for long-term, phased developments where a phasing plan is required.
8. Letter of water and sewer availability if the provider is other than the City of Tukwila.

9. Parking calculations to demonstrate that the requirements of TMC Chapter 18.56 have been met.
10. Proposed cross easement and maintenance agreement for shared parking, circulation, utility and landscaping improvements.
11. Legal descriptions of all tracts located within the boundaries of the short plat.
12. Consistency report addressing how the project complies with the applicable review criteria.
13. Estimated construction schedule with phasing plan and schedule.
14. Additional requirements for condominiums: Provide the following information on the site plan: number of units proposed, building dimensions, height and number of stories, distance between buildings, type of construction, sprinkler or non-sprinkler, and occupancy classification.
15. Items contained in TMC 18.104.060 not already listed above.
 - B. *REVIEW PROCEDURES:* An application for Binding Site Improvement Plan shall be reviewed and acted upon in the same manner prescribed in TMC 17.12.020B for short subdivisions.
 - C. *APPROVAL CRITERIA:*
 1. Prior to approval of any Binding Site Improvement Plan, the Short Subdivision Committee shall insure that the following improvements are provided to sufficiently service the anticipated uses throughout the proposed plan and the decision criteria that follow are met:
 - a. Adequate water supply.
 - b. Adequate sewage disposal.
 - c. Appropriate storm drainage improvements.
 - d. Adequate fire hydrants.
 - e. Appropriate access to all anticipated uses within the plan.
 - f. Provision for all appropriate deed, dedication, and/or easements.
 - g. Monumentation of all exterior tract corners.
 2. Legal Lots:
 - a. Residential Binding Site Improvement Plan shall consist of one or more contiguous, legally-created lots and each lot shall meet the minimum dimensional requirements of the applicable zone or overlay district.
 - b. If the site will contain commercial or industrial uses, or mixed-use commercial and residential uses, the lots shall meet the minimum dimensional requirements of the zoning district or meet the definition of "integrated site" in TMC Chapter 18.06, such that when taken as a whole and not considering interior lot lines, the integrated site meets all applicable zoning and subdivision requirements.
 3. Appropriate easements and maintenance agreements for shared facilities, including but not limited to, circulation, parking, utilities and landscaping, have been provided.

4. Modifications to the minimum zoning standards for individual lots located within the integrated site -- including setbacks, parking, landscaping, lot area and lot dimension -- are not detrimental to the public health, safety and welfare, do not adversely affect the rest of the integrated site or other properties in the vicinity, and do not impede planned street, trail or pedestrian networks for the neighborhood or district.

5. Common improvements necessary to serve any particular phase of development must be sufficient for meeting the zoning and subdivision requirements for that phase.

6. Access to the integrated site meets the subdivision ordinance standards. Access within the site provides for safe and efficient circulation and meets Fire Department access requirements.

7. The circulation system incorporates appropriate provisions for safe pedestrian activity to the site from the street and from building to building within the site.

8. The sign regulations shall be applied to the integrated site as a whole. For example, the number of freestanding signs allowed is based on one site within the Binding Site Improvement Plan. Individual ownerships within the integrated site are not considered to be separate sites in determining the number of freestanding signs allowed.

9. The requirements of the Washington State Building Code are met.

10. Future Development: The Binding Site Improvement Plan shall contain a provision requiring that any subsequent development of the site shall be in conformance with the approved and recorded Binding Site Improvement Plan.

11. Dedication Statement: Where lands are required or proposed for dedication, the applicant shall provide a dedication statement and acknowledgement on the Binding Site Improvement Plan.

12. Additional Approval Criteria for Binding Site Improvement Plans Proposing Condominium Ownership: Condominium developments are eligible for Binding Site Improvement Plan approval when the purpose of such approval is to divide the property so a portion of the parcel or tract can be subjected to either RCW Chapter 64.32 or 64.34. A Binding Site Improvement Plan can only be approved when the development has already been constructed or when the approval has been obtained and a building permit for an entire development or a portion of a development is issued.

13. Additional Approval Criteria for Phased Development: If the applicant chooses to develop the property in a phased development, the applicant must execute a development agreement with the City pursuant to RCW 36.70B.170 if one is not already in place. This agreement shall govern, at a minimum, the use and development of the property subject to the Binding Site Improvement Plan, including:

- a) vesting applicable to subsequent permits;
- b) the manner in which each phase of the development will proceed to ensure that the roads and utilities

necessary to serve each phase of the development are constructed prior to the development of each phase;

- c) expiration of the agreement and all provisions therein.

14. Consistency: The Binding Site Improvement Plan shall be consistent with any City approved master plans and development agreements.

(Ord. 2236 §3, 2009; Ord. 1833 §1(part), 1998)

17.16.040 Final approval of plan

A. Prior to the plan being granted final approval, a survey, prepared by a licensed surveyor to the standards contained in TMC 17.04.060, shall be submitted to the Short Subdivision Committee with the final plan. The survey and plan shall be consistent with the preliminary approval.

B. Once the Short Subdivision Committee determines the survey, plan and other documents for recording are consistent with the preliminary approval, it will be certified for filing by the chair of the Short Subdivision Committee.

C. After being certified for filing by the Short Subdivision Committee, Binding Site Improvement Plans and survey shall be filed by the applicant with the King County Department of Records and Elections, and a copy of the recorded documents shall be returned to the Department of Community Development prior to issuance of any building permits for construction within the site. The applicant shall pay all costs associated with this filing.

D. Binding Effect: Approved Binding Site Improvement Plans shall be binding and shall be enforceable by the City. All provisions, conditions and requirements of the Binding Site Improvement Plan shall be legally enforceable on the purchaser or on any person acquiring a lease or other ownership interest of any lot, tract, or parcel created pursuant to the Binding Site Improvement Plan.

(Ord. 2236 §4, 2009; Ord. 1833 §1(part), 1998)

17.16.050 Improvements

A. *IMPROVEMENTS*: The following improvement requirements shall be met for each Binding Site Improvement Plan prior to the issuance of a building permit for construction within a Binding Site Improvement Plan.

1. *IMPROVEMENTS REQUIRED*: Consistent with TMC Chapter 17.20, and subject to any applicable development agreement, the following tangible improvements shall be provided for, either by actual construction or a construction schedule approved by the City and bonded by the applicant, before a Binding Site Improvement Plan may be recorded: grading and paving of streets and alleys; installation of curbs, gutters, sidewalks, monuments, sanitary and storm sewers, street lights, water mains and street name signs; together with all appurtenances thereto to specifications and standards of this code, approved by the Short Subdivision Committee and in accordance with other standards of the City. A separate construction permit will be required for any such improvements,

along with associated engineering plans prepared per the City Drafting Standards.

2. **Modifications:** Proposals that contain commercial or industrial uses, or mixed-use commercial and residential uses, and meet the definition of “integrated site” in TMC 18.06 are not required to submit a modification request. Where a proposal is not eligible to be an “integrated site” or where the definition of “integrated site” does not expressly allow for a modification of a particular standard(s), modifications of improvement standards required in TMC Chapter 17.20 shall be made through the exception process in TMC Chapter 17.28.

B. **Phasing of Improvements:** To satisfy improvement requirements, the Short Subdivision Committee is authorized to impose conditions and limitations on the Binding Site Improvement Plan. If the Short Subdivision Committee determines that any delay in satisfying requirements will not adversely impact the public health, safety or welfare, the Committee may allow requirements to be satisfied prior to issuing the first building permit for the site, or prior to issuing the first building permit for any phase, or prior to issuing a specific building’s certificate of occupancy, or in accordance with an approved phasing plan, or in accordance with plans established by a development agreement or as otherwise permitted or required under City code.

(Ord. 2236 §5, 2009; Ord. 1833 §1(part), 1998)

17.16.060 Revision of plan

A. **ALTERATION:** Alteration of an approved Binding Site Improvement Plan, excluding standard easements for utilities and lot line adjustments, shall be accomplished following the same procedures required for a new Binding Site Improvement Plan application as set forth in this chapter; provided, that only owners of lots within the Binding Site Improvement Plan that are directly affected by the proposed alteration shall be required to authorize application for the alteration. If property subject to a Binding Site Improvement Plan approval is the subject of a development agreement, the alteration of the approved Binding Site Improvement Plan shall not require an amendment to the development agreement or approval by the City Council and, after approval and recording, shall automatically be incorporated within the development agreement unless otherwise provided in the development agreement.

B. **VACATION:** Vacation of a recorded Binding Site Improvement Plan shall be accomplished by following the same procedures required for a new Binding Site Improvement Plan application as set forth in this chapter. If a portion of a Binding Site Improvement Plan is vacated, the property subject to the vacation shall constitute one lot, and the balance of the approved Binding Site Improvement Plan shall remain as approved. Any non-conformities created by such a vacation must be remedied prior to final approval of the vacation. If a Binding Site Improvement Plan property subject to a Binding Site Improvement Plan approval is the subject of a development agreement, the vacation of the approved Binding Site Improvement Plan, whether total or partial, shall not require an

amendment to the development agreement or approval by the City Council and, after approval and recording shall automatically be incorporated within the development agreement unless otherwise provided in the development agreement.

(Ord. 2236 §6, 2009; Ord. 1833 §1(part), 1998)

17.16.070 Expiration

If the binding site improvement plan is not recorded within one year of the date of the preliminary BSIP, the BSIP shall become null and void. Upon written request by the applicant prior to the expiration date, the Short Subdivision Committee may grant one extension of not more than one year.

(Ord. 2251 §2, 2009)

CHAPTER 17.20

**DESIGN AND IMPROVEMENT STANDARDS
FOR THE SUBDIVISION OF LAND**

Sections:

- 17.20.010 Applicability
- 17.20.020 Improvements, supervision, inspections and permits required
- 17.20.030 General standards

17.20.010 Applicability

The standards contained in this chapter are to be used as the basic standards for addressing the approval criteria for subdivisions, short plats, boundary line adjustments and binding site improvement plans. The decision making entity may require additional standards be met if it is determined necessary to meet the approval criteria for a particular application.

(Ord. 1833 §1(part), 1998)

17.20.020 Improvements, supervision, inspections and permits required

A. *REQUIRED IMPROVEMENTS:* Every subdivider may be required to grade and pave streets and alleys, install curbs and gutters, sidewalks, monuments, sanitary and storm sewers, water mains, fire hydrants, street lights and name signs, together with all appurtenances in accordance with specifications and standards of this code, approved by the Public Works Department, and in accordance with other standards of the City.

B. *SUPERVISION AND INSPECTION:* A licensed engineer or engineering firm, acceptable to the Department of Public Works, shall be responsible for the supervision and inspection of all subdivision improvements. All improvements shall be certified in writing as completed in accordance with plans and specifications as approved by the Department of Public Works.

C. *PERMITS:* Prior to proceeding with any subdivision improvements, the subdivider shall obtain those permits from the City as are necessary. The subdivider is also responsible for complying with all applicable permit requirements of other Federal, State and local agencies.

(Ord. 1833 §1(part), 1998)

17.20.030 General Standards

A. Environmental Considerations:

1. *SENSITIVE AREAS* - Land which contains a sensitive area or its buffer as defined in Title 18, or is subject to the flood zone control ordinance as defined in TMC Chapter 16.52, shall be platted to reflect the standards and requirements of the sensitive areas overlay zone, TMC Chapter 18.45, the planned residential development overlay if required pursuant to TMC Chapter 18.46, and/or the flood zone control ordinance, TMC Chapter 16.52. No lot shall be created that does not contain an adequate building site, given the environ-

mental considerations of the lot and current development standards.

2. *TREES* - In addition to meeting the requirements of TMC Chapter 18.54, Tree Regulations, every reasonable effort shall be made to preserve existing trees and vegetation, and integrate them into the subdivision's design.

B. Compatibility with Existing Land Use and Plans:

1. *BUFFER BETWEEN USES* - Where single-family residential subdivisions are to be adjacent to multiple-family, commercial or industrial land use districts, and where natural separation does not exist, adequate landscape buffer strips and/or solid fences for screening shall be provided.

2. *CONFORMITY WITH EXISTING PLANS* - The location of all streets shall conform to any adopted plans for streets in the City. If a subdivision is located in the area of an officially designated trail, provisions may be made for reservation of the right-of-way or for easements to the City for trail purposes. The proposed subdivision shall respond to and complement City ordinances, resolutions, and comprehensive plans.

3. *OTHER CITY REGULATIONS* - All subdivisions shall comply with all adopted City regulations. In the event of a conflict, the more restrictive regulation shall apply.

4. *ACCESSORY STRUCTURES* - If a subdivision, short plat, or boundary line adjustment in a residential zone would result in an accessory structure remaining alone on a lot, the structure must be demolished before preliminary approval, or the owner must provide a bond or other financial guarantee acceptable to the Director in the amount of 150% of the cost of demolition and assurance that the accessory structure will be demolished if a residence is not built on the lot within 12 months of final approval.

C. Streets:

1. *EXTENSION:* Proposed street systems shall extend existing streets at the same or greater width, unless otherwise approved by the Department of Public Works and authorized by the City Council in approval of the plat. Where appropriate, streets shall be extended to the boundaries of the plat to ensure access to neighboring properties. The City's goal is to have an integrated system of local streets whenever practical. Grading of steep topography may be necessary to achieve this objective. However, in sensitive areas, the layout and construction of streets shall follow the standards and procedures of the sensitive areas overlay zone. Dedication of additional right-of-way may be required for a short plat when it is necessary to meet the minimum street width standards or when lack of such dedication would cause or contribute to an unsafe road or intersection.

2. *NAMES:* All proposed street names or numbers shall be subject to approval by the Department of Community Development.

3. *INTERSECTIONS:* Any intersection of public streets, whatever the classification, shall be at right angles as nearly as possible and not be offset insofar as practical.

4. *STREET LAYOUT:* Street layout shall provide for the most advantageous development of the subdivision, adjoining areas, and the entire neighborhood. Evaluation of street layout shall take into consideration potential circulation solutions. While it is important to minimize the impact to the topography from creating an integrated road system, improved site development and circulation solutions shall not be sacrificed to minimize the amount of cut and fill requirements of the proposal. Where sensitive areas are impacted, the standards and procedures for rights-of-way in the sensitive areas overlay zone shall be followed.

5. Private access roads may be authorized if:

a. Allowing private access roads in the area being subdivided will not adversely affect future circulation in neighboring parcels of property; and

b. Adequate and reasonable provisions are made for the future maintenance and repair of the proposed private access roads; and

c. The proposed private access roads can accommodate potential full (future) development on the lots created; and

d. For residential subdivisions, the proposed private access roads do not serve more than four lots nor are more than 200 feet in length. Those access roads 150 feet or greater in length shall have a turnaround built to Fire Department standards.

e. For commercial and industrial subdivisions, when private access roads are authorized, there shall be a minimum easement width of 40 feet. With the exception of minimum easement widths, private access roads shall be designed and constructed in accordance with the Department of Public Works standards, and zoning setbacks shall be required as though the easement were a public right-of-way.

6. *PUBLIC ROADS:*

a. Right-of-way and paving widths for public roads shall be based as shown in the following table. The minimum paving and right-of-way width shall be used unless the City Engineer demonstrates a wider width is needed due to site circumstances, including but not limited to topography, traffic volume, street patterns, on-street parking, lot patterns, land use and bike and transit facilities, that justify an increase in width.

Type of Street	Right-of-Way	Roadway Pavement
Principal Arterial	80 - 100 feet	48 - 84 feet
Minor Arterial	60 - 80 feet	36 - 64 feet
Collector Arterial	60 - 80 feet	24 - 48 feet
Access Road	50 - 60 feet	28 - 36 feet
Cul-De-Sac		
Roadway	40 feet	26 feet
Turnaround	92 feet (dia.)	81 feet (dia.)
Alley	20 feet	15 feet
Private Access Roads		
Residential	20 feet	20 feet
Commercial	40 feet	28 feet

b. *Design:* The design and alignment of all public streets shall conform to the following standards unless otherwise approved by the Department of Public Works:

(1) Cul-de-sacs: Cul-de-sacs are not allowed unless there is no reasonable alternative or the cul-de-sac is shown on an officially adopted street plan. When allowed, they shall not exceed a length of 600 feet unless the City Council determines that adequate alternative emergency access will be provided.

(2) Street Grades: Street grades shall not exceed 15%. However, provided there are no vehicular access points, grades may be allowed up to 18%, for not more than 200 feet when:

(a) Exceeding the grades would facilitate a through street and connection with the larger neighborhood;

(b) The greater grade would minimize disturbance of sensitive slopes;

(c) The Fire Marshal grants approval of the grade transition; and

(d) Tangents, horizontal curves, vertical curves, and right-of-way improvements conform to Department of Public Works standards.

c. Full width improvement:

(1) When interior to a subdivision or a short plat of five or more lots, all publicly owned streets shall be designed and installed to full width improvement as provided below:

(a) Shall be graded as necessary to conform to Department of Public Works standards.

(b) Shall be of asphaltic concrete according to Department of Public Works standards.

(c) Shall have permanent concrete curbs and gutters according to Department of Public Works standards.

(d) Shall have storm drains consisting of the proper size pipe and catch basins; sizes to be approved by the Department of Public Works prior to the public hearing for the preliminary plat.

(e) Shall have sidewalks provided at a minimum width as specified in TMC Chapter 11.12.

(2) When interior to a short plat of four or fewer lots, all public streets and all privately owned streets that have the potential to serve five or more lots shall be designed and installed to full width improvement as provided below:

(a) Shall be graded as necessary to conform to Department of Public Works standards.

(b) Shall be of asphaltic concrete according to Department of Public Works standards.

(c) Shall provide storm drainage to be approved by the Department of Public Works.

(d) Shall provide sidewalk right-of-way or easements at a minimum width as specified in TMC Chapter 11.12.

(e) Shall construct or provide L.I.D. no-protest agreements for permanent concrete curbs, gutters, and sidewalks according to Department of Public Works standards.

(f) Shall be dedicated to the City or subject to a binding agreement for future dedication.

(3) All privately owned roads that will serve four or fewer houses shall be designed and installed to full width improvement as provided below:

(a) Shall be graded as necessary to conform to Department of Public Works standards.

(b) Shall be of asphaltic concrete according to Department of Public Works standards.

(c) Shall provide storm drainage to be approved by the Department of Public Works.

d. Half width improvement:

(1) Streets abutting the perimeter of a subdivision or short plat of five or more lots shall provide the full improvements on the half of the street adjacent to the site, provided additional paving may be required to ensure safe and efficient roads exist to serve the subdivision; provided further that there are no physical obstructions to completing the other half of the roadway; and that there is a minimum of 20 feet of paving.

(2) If the future grade or alignment of the adjacent public street is unknown and it is not feasible to establish the grade in a reasonable period or the immediate improvement of the street would result in a short, isolated segment of improved street and similar street improvements in the vicinity are unlikely to occur within six years, the City may approve a delay of improvements. The owner(s) must agree to enter into a binding L.I.D. no-protest agreement to further improve the street to full public street standards in the future, however adjacent streets must still be improved to the minimum level necessary, in the judgment of the City Engineer, to safely accommodate traffic generated by the proposed subdivision or short plat.

(3) Streets abutting the perimeter of a short plat of four or fewer lots shall provide L.I.D. no-protest agreements for construction of frontal improvements on the half of the street adjacent to the site, provided that there is a minimum of 20 feet of paving.

D. Utilities:

1. *GENERALLY:* All utilities designed to serve the subdivision shall be placed underground and, if located within a sensitive area, shall be designed to meet the standards of the sensitive areas overlay zone. Those utilities to be located beneath paved surfaces shall be installed, including all service connections, as approved by the Department of Public Works; such installation shall be completed and approved prior to application of any surface materials. Easements may be required for the maintenance and operation of utilities as specified by the Public Works Department.

2. *SANITARY SEWERS:* Sanitary sewers shall be provided to each lot at no cost to the City and designed in accordance with City standards. Septic systems may be installed when approved by the Seattle-King County Department of Public Health and when the existing sewer system will not be available to the lot within the life of the preliminary approval.

3. *STORM DRAINAGE:* The storm drainage collection system shall meet the requirements of the City's stormwater ordinance standards (Ordinance #1755).

4. *WATER SYSTEM:* Each lot within a proposed subdivision shall be served by a water distribution system designed and installed in accordance with City standards. Locations of fire hydrants and flow rates shall be in accordance with City standards and the Uniform Fire Code.

E. Blocks:

1. *LENGTH:* Residential blocks should not be less than 300 feet nor more than 1,000 feet in length, (600 - 2,000 feet for commercial and industrial areas). Where circumstances warrant for the purpose of implementing the Comprehensive Plan, the Planning Commission may require one or more public pathways of not less than six feet nor more than 15 feet in width, either by dedication or easement, to extend entirely across the width of the block to connect public rights-of-way.

2. *WIDTH:* Blocks shall be wide enough to allow two tiers of lots, except where abutting a major street or prevented by topographical conditions or size of the property, in which case the City Council may approve a single tier.

3. *PEDESTRIAN CONSIDERATIONS:* Blocks, roads and pedestrian improvements shall be designed to provide a safe and convenient pedestrian network.

F. Lots:

1. *ARRANGEMENT:* Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. Each lot must have access to a public street that is approved at the time of plat review; however, rather than designing flag lots, access shall be accomplished with common drive easements.

2. *LOT DESIGN:* The lot area, width, shape, and orientation shall be appropriate for the location of the subdivision, for the type of development and land use contemplated, and shall conform with the requirements of the zoning ordinance.

3. *CORNER LOTS:* Corner lots may be required to be platted with additional width to allow for the additional side yard requirements.

G. Landscaping:

1. Each lot within a new subdivision or short plat of five lots or greater shall be landscaped with at least one tree in the front yard to create a uniform streetscape.

2. Landscaping shall conform with Public Work standards.

H. **Street Signs:** The subdivider shall be responsible for the initial cost of any street name or number signs, or street markings, including installation thereof, that Public Works finds necessary for the subdivision.

I. **Lighting:** Street lighting shall conform to the Department of Public Works standards unless the City Council requires alternative fixtures, poles, and/or spacing to contribute to an overall design concept of the subdivision.

J. **Monumentation:**

1. **IMPRINTED MONUMENT:** All monuments set in subdivisions shall be at least 1/2 inch x 24-inch steel bar or rod, or equivalent, with durable cap imprinted with the license number of the land surveyor setting the monument.

2. **CENTERLINE MONUMENT:** After paving, except as provided in TMC 17.20.030J.5, monuments shall be driven flush with the finished road surface at the following intersections:

- a. Centerline intersections.
- b. Points of intersection of curves if placement falls within the paved area; otherwise, at the beginnings and endings of curves.
- c. Intersections of the plat boundaries and street center lines.

3. **PROPERTY LINE MONUMENTATION:** All front corners, rear corners, and beginnings and endings of curbs shall be set with monuments, except as provided in TMC 17.20.030J.5. In cases where street curbs are concentric and/or parallel with front right-of-way lines, front property line monumentation may be provided by brass screws or concrete nails at the intersections of curb lines and the projections of side property lines. If curb monumentation is used, it shall be noted on the plat, and also that such monumentation is good for projection of line only and not for distance.

4. **POST-MONUMENTATION:** All monuments for exterior boundaries of the subdivision shall be set and referenced on the plat prior to plat recording. Interior monuments need not be set prior to recording if the developer certifies that the interior monuments shall be set within 90 days of final subdivision construction inspection by the Department of Public Works, and if the developer guarantees such interior monumentation.

5. **POST-MONUMENTATION BONDS:** In lieu of setting interior monuments prior to final plat recording as provided in TMC 17.20.030J.3, the Public Works Director may accept a bond in an amount and with surety and conditions satisfactory to the Director, or other secure method as the Public Works Director may require, providing for and securing the actual setting of the interior monuments.

(Ord. 1971 §21, 2001; Ord. 1833 §1(part), 1998)

CHAPTER 17.24
PROCEDURES FOR
PUBLIC IMPROVEMENTS

Sections:

- 17.24.005 Purpose
- 17.24.010 Plans and permits required for public improvements
- 17.24.020 Process for installing public improvements
- 17.24.030 Improvement agreements and financial guarantees

17.24.005 Purpose

It is the intent to have all infrastructure improvements required by a subdivision, short plat, binding site improvement plan, or boundary line adjustment completed prior to final approval of the proposed land action. The City realizes that there may be instances where the completion of the improvement may not be the best course of action, including, but not limited to: final lift for the roadway, completing sidewalks while development construction is ongoing, minor punch list items, etc. In those instances, the Director of Public Works may accept a bond or other financial security in lieu of the completion of the infrastructure improvements.

(Ord. 2124 §3(part), 2006)

17.24.010 Plans and permits required for public improvements

A. Approval of a preliminary plat, short plat, binding site improvement plan or boundary line adjustment shall constitute approval for the applicant to develop construction plans and specifications, for all facilities and improvements, in substantial conformance to the preliminary approval, design standards, and any special conditions required by the Short Subdivision Committee, Planning Commission or City Council; to obtain permits and complete installation for said improvements; and to prepare a final plat, plans, surveys and other documents for recording.

B. Prior to installing improvements, the developer shall apply for all required permits for those improvements. The applications shall include development plans as specified on the application form. *[Note: See TMC 11.08 and 11.12 for additional guidance on standards and permit requirements for improvements in the public right-of-way.]*

(Ord. 2124 §3(part), 2006; Ord. 1833 §1(part), 1998)

17.24.020 Process for installing public improvements

Improvements installed by the developer of the subdivision or short plat, either as a requirement or of the subdividers own option, shall conform to the requirements of this title and improvement standards, specifications, inspections and procedures as set forth by the Department of Public

Works, and shall be installed in accordance with the following procedures:

1. Work shall not be commenced until plans have been checked for adequacy and approved by Public Works to the extent necessary for the evaluation of the subdivision or short plat proposal. Plans shall be prepared in accordance with the requirements of the City.

2. Work shall not commence until Public Works has been notified in advance and, if work has been discontinued for any reason, it shall not be resumed until Public Works has been notified.

3. Public improvements shall be constructed under the inspection and to the satisfaction of the Director of Public Works. The City may require changes in typical sections and details if unusual conditions arise during construction to warrant the change.

4. All underground utilities, sanitary sewers and storm drains installed in the streets by the developer of the subdivision or short plat shall be constructed prior to the surfacing of streets. Stubs for service connections and underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when surface connections are made.

5. Plans showing all improvements as built shall be filed with the City upon completion of the improvements.

(Ord. 2124 §3(part), 2006; Ord. 1833 §1(part), 1998)

17.24.030 Improvement agreements and financial guarantees

A. *REQUIRED IMPROVEMENTS:* Before any final subdivision, short plat, binding site improvement plan or boundary line adjustment is finally approved, the subdivider shall install required improvements and replace or repair any such improvements which are damaged in the development of the subdivision. In lieu of the completion of the actual construction of all required improvements (public and private) and prior to the approval of a final plat, the Public Works Director may accept a bond in an amount and with surety and conditions satisfactory to the Director, or other secure method, providing for and securing to the City the actual construction and installation of all required improvements. This is in addition to the requirements of TMC 11.08 requiring a performance bond for all work being done in the public right-of-way. If the Public Works Director accepts a bond for the completion of the work, the subdivider shall execute and file with the City an agreement guaranteeing completion of such improvements together with any needed replacement or repair. The agreement shall:

1. Specify the period of time within which all work required shall be completed. The time for completion shall not exceed one year from the date of final approval of the subdivision. The agreement may provide for reasonable extensions of time for completion of work. Extensions must be requested, approved by the Public Works Director, and properly secured in advance of the required initial completion date.

2. Require notice by the subdivider to the Public Works Director promptly upon completion of all required improvements.

3. Provide for notice of approval or disapproval by the Public Works Director of the improvement within a reasonable time after receiving notice of completion.

4. Require financial security to be provided by the subdivider pursuant to TMC 17.24.030C.

5. Provide that, if the subdivider fails to complete all required work within the period specified, the City may take steps to demand performance of the developer's obligation within a reasonable time not to exceed 90 days from the date of demand.

6. Provide that, if the required improvements are not completed within that time, the City may take action to require the subdivider to forfeit the financial security.

7. Provide that the City shall be entitled to recover all costs of such action including reasonable attorney's fees.

8. Provide that, following recovery of the proceeds of the financial security, those proceeds shall be used to complete the required improvements and pay the costs incurred.

9. Provide that, should the proceeds of the financial security be insufficient for completion of the work and payment of the costs, the City shall be entitled to recover the deficiency from the subdivider.

B. *MAINTENANCE AGREEMENT*: Regardless of whether all required improvements are completed prior to final approval of any subdivision of land, as a condition of such approval the subdivider shall execute an agreement to assure successful operation of said improvements. *[Note: See TMC 11.08.110 for details.]* The agreement shall:

1. Require the subdivider to post a bond or other financial security to secure successful operation of all required improvements and full performance of the developer's maintenance obligation. Such financial security shall be effective for a two-year period following approval of installation of all required improvements.

2. Require the subdivider to perform maintenance functions on drainage improvements for a period of time not to exceed two years from approval of their completion or final plat approval, whichever is later. Such maintenance functions shall be specified by the Public Works Director, and shall be reasonably related to the burdens that the subdivision will impose on drainage facilities during the time maintenance is required. The City Council may agree to accept and perform maintenance of the improvements, in which case the subdivider's obligation to perform maintenance functions shall terminate.

3. Not relieve the subdivider of liability for the defective condition of any required improvements discovered following the effective term of the security given.

4. Provide a waiver by the subdivider of all claims for damages against any governmental authority, which may occur to the adjacent land as a result of construction, drainage, and maintenance of the streets and other improvements.

C. *PERFORMANCE BOND*: To assure full performance of the agreements required herein, the subdivider shall provide one or more of the following in a form approved by the City Attorney:

1. A surety bond executed by a surety company authorized to transact business in the State of Washington.

2. An irrevocable letter of credit from a financial institution stating that the money is held for the purpose of development of the stated project.

3. An assignment of account with a financial institution which holds the money in an account until such time the City signs a written release. The assignment of account will allow the City to withdraw the funds in the event the provisions of the agreement are not met.

4. A cash deposit made with the City of Tukwila.

D. *Amount of Financial Security*: The financial security provided shall be 150% of the estimated cost of the improvements to be completed and all related engineering and incidental expenses, final survey monumentation and preparation of reproducible Mylar or electronic records in a format approved by Public Works and meeting current Public Works drawing standards of the "as-built" improvements. The subdivider shall provide an estimate of these costs for acceptance by the Public Works Director.

E. *Defective Work*: The acceptance of improvements by the City shall not prevent the City from making a claim against the developer for any defective work if such is discovered within two years after the date of completion of the work.

(Ord. 2124 §3(part), 2006; Ord. 1833 §1(part), 1998)

CHAPTER 17.28
EXCEPTIONS, PENALTIES,
SEVERABILITY, LIABILITY

Sections:

- 17.28.010 Exceptions
 - 17.28.020 Penalties
 - 17.28.030 City not liable
 - 17.28.040 Severability
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17.28.010 Exceptions

A. *EXCEPTION CRITERIA:* Exceptions from the requirements of this code may be granted when undue hardship may be created as a result of strict compliance with the provisions of this code. Any authorization for exception may prescribe conditions deemed necessary or desirable for the public interest.

An exception shall not be granted unless:

1. There are special physical circumstances or conditions affecting said property, such that the strict application of the provisions of this code would deprive the applicant of the reasonable use or development of his land; and
2. The exception is necessary to insure such property rights and privileges as are enjoyed by other properties in the vicinity and under similar circumstances; and
3. The granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity.

B. *PROCEDURES:* An application for any exception from this code shall be submitted in writing by the subdivider, as part of the application for short subdivision, binding site improvement plan, or preliminary plat. Such application shall fully state all substantiating facts and evidence pertinent to the request.

1. *Short subdivision:* A short subdivision or binding site improvement plan exception shall be reviewed by the Short Subdivision Committee in conjunction with review of the short subdivision or binding site improvement plan application. The decision of the Short Subdivision Committee shall be final and conclusive unless appealed in accordance with the appeal procedure for Type 2 decisions set forth in TMC 18.108.020.

2. *Preliminary plat:* A preliminary plat exception shall be considered by the Planning Commission at the same time the public hearing is conducted for the preliminary plat.

(Ord. 2124 §4, 2006; Ord. 1833 §1(part), 1998)

17.28.020 Penalties

Any violation of any provision, or failure to comply with any of the requirements of this chapter, shall be subject to the terms and conditions of Chapter 8.45 ("Enforcement").

(Ord. 1838 §16, 1998; Ord. 1833 §1(part), 1998)

17.28.030 City not liable

This code shall not be construed to relieve from or lessen the responsibility of any person owning any land or building, constructing or modifying any subdivisions in the City for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the City or any agent thereof be held as assuming such liability by reason of any preliminary or final approval or by issuance of any permits or certificates authorized herein.

(Ord. 1833 §1(part), 1998)

17.28.040 Severability

If any section, subsection, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(Ord. 1833 §1(part), 1998)